IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 8352 of 2004

Between:
Sree Rayalaseema Alkalies and Allied Chemicals Ltd., rep. by its General Manager, Gondiparla, Kurnool District.

.....
PETITIONER

AND

1 The Government of A.P., rep. by its Secretary, Forests Department, Secretariat, Secretariat Building, Hyderabad.
2 The Principal Chief Conservator, Govt of A.P.,Hyd.
3 the Conservator of Forest, Kurnool Circle, Kurnool District.
4 the Divisional Forest Officer, Kurnool Division, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction declaring the action of the respondents in collecting compensation from the petitioner vide proceedings Dt. 25.02.2002 as illegal and unauthorized, contrary to the rules and set aside the orders of the Conservator Forests in R.C.No.4031/2002/M-6, Dated 01.01.2004 which is pending before 2nd respondent in appeal dated 22.03.2004. Further order the Respondents to refund the amount collected from the petitioner Unit towards compensation by way of compounding fee.

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondents: GP FOR FORESTS

The Court Made the Following :

ORAL ORDER:

This writ petition is filed against the order, dated 01.1.2004 in R.C.No.4031/2002/M-6 aggrieved by the action of the respondents in levying compound fees for the exempted species of fuel wood which was legally procured from patta lands, which was already compounded. Against the orders, dated 1.1.2004 passed by the respondents, the writ petitioner filed an appeal before the second respondent on 22.03.2004. Whether the respondents are entitled to collect the compensation from the petitioner vide proceedings dated 25.02.2002 is legal or not has to be considered by the respondents as per law.

Sri P.Srinivasulu, learned counsel for the petitioner contended that the writ petitioner filed an appeal before the second respondent on 22.03.2004 and therefore, the writ petitioner received communication from the second respondent stating that the appeal is not maintainable before him and it has to be filed before the first respondent. The issues involved in this writ petition have to be considered and decided by the first respondent in accordance with law.

In view of the above, a direction can be given that as the writ petitioner has already filed an appeal before the second respondent and a communication has been received by him that the appeal is not maintainable before the second respondent, an opportunity shall be given to the petitioner to file a fresh appeal

before the first respondent within a period of two weeks from today and thereafter the same may be disposed of by the first respondent who is competent authority, in accordance with law, within a period of eight weeks from the date of filing of appeal. Before passing any order, the first respondent shall give an opportunity to the petitioner to put forward his case in the appeal.

With the above observations, the writ petition is disposed of at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

Copy to:

1 The Government of A.P., rep. by its Secretary, Forests Department, Secretariat, Secretariat Building, Hyderabad.
2 The Principal Chief Conservator, Govt of A.P.,Hyd.
3 The Conservator of Forest, Kurnool Circle, Kurnool District.
4 The Divisional Forest Officer, Kurnool Division, Kurnool District.
5 2 C.Cs to G.P FOR FOREST, High Court of A.P. Bldgs., Hyd. (OUT)
6 2 C.D. copies.

Note: Furnish copy in three days

B/o

Ycr/bcj